



State of California
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Inquiry: As a registered nurse I am obligated under the law to act as the patient's advocate. When I was an LVN, my legal responsibility was to report any concern to the MD or to the RN. I have been asked if respiratory therapists (RT) have, in addition to a moral and ethical obligation, to advocate for the patient a legal obligation. For instance, if an RN reports deteriorating vital signs or increasing shortness of breath to the doctor, that RN must continue to pursue all channels if the MD does not take the concern seriously. The RN must notify the medical director, supervisor, CEO, or another MD in order to help that patient or put his or her license in jeopardy. Does a RT have a similar responsibility under the law? I know the RTs I have worked with do follow through saving lives and helping patients (and nurses), but a RT has asked me if there is a legal requirement for this.

Response: The Board of Registered Nursing (BRN) has adopted a regulation that specifically requires the RN to be a patient advocate. The BRN's regulation section 1443.5 provides, in pertinent part:

"A registered nurse shall be considered to be competent when he/she consistently demonstrates the ability to transfer scientific knowledge from social, biological and physical sciences in applying the nursing process, as follows:

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"(6) Acts as the client's advocate, as circumstances require, by initiating action to improve health care or change decisions or activities which are against the interests or wishes of the client, and by giving the client the opportunity to make informed decisions about health care before it is provided." (Title 16, California Code of Regulations, Division 14)

The BRN's regulation is based on Business and Professions Code section 2725, which defines the RN's scope of practice, and section 2961, which establishes the grounds for discipline of an RN.

The RCB has not adopted a regulation like section 1443.5(6), so there is no specific legal requirement imposed by the Board that a licensed respiratory care practitioner be an advocate for the patient.

Reference # 2000-C-45